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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,320	02/28/2002	Joe Cargnelli	9351-95	1996

1059 7590 04/01/2003

BERESKIN AND PARR
SCOTIA PLAZA
40 KING STREET WEST-SUITE 4000 BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 04/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	Examiner	Art Unit	
	10/084, 320 FORD	Cargnelli et al. 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 3743

A complete listing of the prior art cited in the parent application and from any other sources (e.g. concurrent prosecution in other countries) on a PTO-1449 form is required in response to this action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Weitman (4,574,062) or Jacobs (4,711,294) or Christensen (2,419,119) or Sung (6,279,650) or Olstad (3,415,313) or JP 7-140061 or JP 5-256468 or JP 56-119434 or JP 54-16836.

The claims are exceedingly broad, hence the number of anticipating references is large (unless the Examiner is missing some subtleness in the claims). The captioned references are exemplary of a large body of art and are cited and applied based on the rationale of In re Gorman 18 USPQ2d 1885 (Fed. Cir. 1991) and In re GPAC 35 USPQ2d 1116 (Fed. Cir. 1995).

Regarding claim 3, see JP '468, in particular, which discloses steam generator 24, before cooler 25 and reheater 31.

Regarding claim 6, see element 58 of Christensen. Regarding claim 7, in each of these systems cooling is provided by some sort of conventional heat exchanger (e.g. evaporator) and pump (e.g. compressor) pumping a fluid (e.g. FREON) through a circuit.

Regarding claim 9, Weitman teaches cooling heat exchanger 5 and heating heat exchanger 11.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claim 2 above, and further in view of Ebbing et al. (5,544,275) or Othmer (3,617,699).

Heaters for long delivery pipes where significant temperature drop may occur are well known to prevent the condensation of gas components. To have used either of the heaters of Ebbing or Othmer in the outlet line of the prior art to keep the outlet line from experiencing condensation would have been obvious.

Art Unit: 3743

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claim 7 above, and further in view of Oswald et al. (4,769,998)

Oswald teaches a combined heater / chiller to achieve particularly high levels of regulation. To have substituted this type of chiller in place of the chillers shown in the prior art would have been obvious to one of ordinary skill.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 703-308-2636.

A handwritten signature in black ink, appearing to be 'John K. Ford', written over a circular stamp or seal.

John K. Ford
Primary Examiner